

DECLARATION AND POWER OF ATTORNEY

As a below named inventor(s), I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am the original, first, and sole inventor (if only one inventor is named below) or an original, first, and joint inventor (if plural inventors are named below or in an attached Declaration) of the subject matter which is claimed and for which a patent is sought on the invention entitled

	MODIFIED OILSEED MATERIAL
the specification of which	h (check one)
	is attached hereto.
<u>X</u>	was filed on <u>January 23, 2004</u> as 10/764,275 United States Application Number or PCT International Application Number <u>PCT/</u> and was amended on (if applicable).

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I (we) invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by me (us), or by my (our) legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I HEREBY CLAIM foreign priority benefits under Title 35, United States Code §119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number	Country	Foreign Filing Date	Priority Claimed?	Certified Copy Attached?

I HEREBY CLAIM the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

U.S. Provisional Application Number	Filing Date

I HEREBY CLAIM the benefit under Title 35, United States Code, §120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Application Number	Parent Filing Date	Parent Patent Number

I HEREBY APPOINT the following registered attorneys and agents:

LAWRENCE A. CHALETSKY	Reg. No. 24,558
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to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Edward L. Levine, Esq. CARGILL, INCORPORATED Law Department P.O. Box 5624 Minneapolis, MN 55440-5624

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CUSTOMER #38550

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests, but instead represent the interests of the legal owner(s) of the invention described in this application.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Residence Citizenship Post Office Address Inventor's signature Date Name of fourth inventor Residence	Plymouth, MN United States of America 1280 Zircon Lane North Plymouth, MN 55369 SIGNATURE ON 4C Satyavolu, Jagannadh V.
Residence Citizenship Post Office Address Inventor's signature Date Name of fourth inventor	Plymouth, MN United States of America 1280 Zircon Lane North Plymouth, MN 55369 SIGNATURE ON 4C Satyavolu, Jagannadh V. Cedar Rapids, IA United States of America 1818 23rd Street NW
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Residence Citizenship Post Office Address Inventor's signature Date Name of fourth inventor Residence Citizenship Post Office Address	Plymouth, MN United States of America 1280 Zircon Lane North Plymouth, MN 55369 SIGNATURE ON 4C Satyavolu, Jagannadh V. Cedar Rapids, IA United States of America 1818 23rd Street NW Cedar Rapids, IA 52405

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Inventor's signature	SIGNATURE ON 4B
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Name of third inventor	Purtle, Ian C.
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Residence Citizenship Post Office Address Inventor's signature	Plymouth, MN United States of America 1280 Zircon Lane North
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Residence Citizenship Post Office Address Inventor's signature Date Name of fourth inventor Residence Citizenship	Plymouth, MN United States of America 1280 Zircon Lane North Plymouth, MN 55369 G-B Satyavolu, Jagannadh V.
Residence Citizenship Post Office Address Inventor's signature Date Name of fourth inventor Residence	Plymouth, MN United States of America 1280 Zircon Lane North Plymouth, MN 55369 G-B-Q Satyavolu, Jagannadh V. Cedar Rapids, IA United States of America
Residence Citizenship Post Office Address Inventor's signature Date Name of fourth inventor Residence Citizenship	Plymouth, MN United States of America 1280 Zircon Lane North Plymouth, MN 55369 G-B-G Satyavolu, Jagannadh V. Cedar Rapids, IA United States of America 1818 23rd Street NW
Residence Citizenship Post Office Address Inventor's signature Date Name of fourth inventor Residence Citizenship Post Office Address	Plymouth, MN United States of America 1280 Zircon Lane North Plymouth, MN 55369 C-B-Q Satyavolu, Jagannadh V. Cedar Rapids, IA United States of America 1818 23rd Street NW Cedar Rapids, IA 52405

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Inventor's signature	SIGNATURE ON 4B
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Name of third inventor	Purtle, Ian C.
Residence —	Plymouth, MN
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Name of fourth inventor	Satyavolu, Jagannadh V.
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Date	June 8, 2004
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Citizenship Post Office Address Inventor's signature Date Name of eighth inventor Residence	United States of America 2235 Plymouth Street Marion, IA 52302 SIGNATURE ON 5C Friedrich, Jane E Deephaven, MN United States of America
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Name of sixth inventor	Karleskind, Daniele	
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Name of seventh inventor Residence Citizenship Post Office Address Inventor's signature Date Name of eighth inventor	Stark, Ann M. Marion, IA United States of America 2235 Plymouth Street Marion, IA 52302 SIGNATURE ON 5C	
Name of seventh inventor Residence Citizenship Post Office Address Inventor's signature Date Name of eighth inventor Residence	Stark, Ann M. Marion, IA United States of America 2235 Plymouth Street Marion, IA 52302 SIGNATURE ON 5C Friedrich, Jane E Deephaven, MN	
Name of seventh inventor Residence Citizenship Post Office Address Inventor's signature Date Name of eighth inventor	Stark, Ann M. Marion, IA United States of America 2235 Plymouth Street Marion, IA 52302 SIGNATURE ON 5C Friedrich, Jane E Deephaven, MN United States of America	
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Name of seventh inventor Residence Citizenship Post Office Address Inventor's signature Date Name of eighth inventor Residence Citizenship Post Office Address	Stark, Ann M. Marion, IA United States of America 2235 Plymouth Street Marion, IA 52302 SIGNATURE ON 5C Friedrich, Jane E Deephaven, MN United States of America 19450 Rosedale Avenue Deephaven, MN 55331	

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Residence Citizenship Post Office Address Inventor's signature Date	Marion, IA United States of America 2235 Plymouth Street Marion, IA 52302 Marion Marion June 11, 2004
Residence Citizenship Post Office Address Inventor's signature Date Name of eighth inventor Residence	Marion, IA United States of America 2235 Plymouth Street Marion, IA 52302 Marion, IA 52302 Tune //, 2004 Friedrich, Jane E
Residence Citizenship Post Office Address Inventor's signature Date Name of eighth inventor Residence Citizenship	Marion, IA United States of America 2235 Plymouth Street Marion, IA 52302 Lune //, Zoo4 Friedrich, Jane E Deephaven, MN United States of America 19450 Rosedale Avenue
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Date	SIGNATURE ON 6C	
Date	SIGNATURE ON 6C	
Date Name of twelfth inventor	Bjork, Roger E.	
Name of twelfth inventor Residence	Bjork, Roger E.	
Name of twelfth inventor Residence Citizenship	Bjork, Roger E. Sidney, OH	
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Name of tenth inventor	Martinson, Wade S.
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Name of eleventh inventor	Pemble, Trent H.
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Inventor's signature	SIGNATURE UN 1999 (CC

Name of ninth inventor	Johnson, Scott D.	
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Date		
Name of tenth inventor	Martinson, Wade S.	
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Date	•	
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Name of eleventh inventor Residence	Pemble, Trent H. Sidney, OH	
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Name of fifthteenth inventor Name of fifthteenth inventor Name of fifthteenth inventor Date Name of fifthteenth inventor Date Name of signature Date Name of signature Date Name of signature Date Name of fifthteenth inventor Date Name of fifthteenth inventor Residence Sidney, OH Citizenship Name of fifthteenth inventor Name of signature Date Name of signature Date Name of signature Date Name of signature Name of signature Date Name of signature Name of signature Name of signature Name of signature Date Name of signature Name of signature Name of signature Date Name of signature Name of signature Name of signature Name of signature Name of sixteenth inventor Residence Sidney, OH Name of sixteenth inventor	NT (41.1 4 41.	
Residence Citizenship United States of America 510 South Main Street Sidney, OH 45365 Inventor's signature Date Name of fourteenth inventor Citizenship United States of America Sidney, OH 45365 Inventor's signature Date Name of fifthteenth inventor's signature Date Name of fifthteenth inventor Inman, Thomas C. Residence Sidney, OH Citizenship United States of America 2309 CR 4 Foster, OH, 43343 Inventor's signature Date Name of fifthteenth inventor Inman, Thomas C. Residence Sidney, OH Citizenship United States of America 630 East Parkwood Street Sidney, OH 45365 Inventor's signature Date Name of sixteenth inventor Kellerman, James C. Residence Sidney, OH Citizenship United States of America 1277 OShroyer Road Maplewood, OH 45340 Inventor's signature Date Name of Sixteenth inventor Residence Sidney, OH Citizenship United States of America 12270 Shroyer Road Maplewood, OH 45340 Inventor's signature Date Name of Sixteenth inventor	_ (Smedley, Troy R.
Citizenship Post Office Address Inventor's signature Date Name of fourteenth inventor Residence Citizenship Date Name of fifthteenth inventor Inman, Thomas C. Residence Citizenship Name of fifthteenth inventor Residence Sidney, OH Name of sixteenth inventor Residence Sidney, OH Name of sixteenth inventor Residence Citizenship Name of sixteenth inventor Residence Citizenship Name of Sidney, OH Citizenship Citizenship Name of Sidney, OH Citizenship Name of Sidney, OH Citizenship Name of Sixteenth inventor Residence Sidney, OH Citizenship United States of America 12270 Shroyer Road Maplewood, OH 45340 Inventor's signature	-	
Post Office Address Inventor's signature Date Name of fourteenth inventor Residence Citizenship Date Name of fifthteenth inventor's signature Date Name of fifthteenth inventor Citizenship Date Name of fifthteenth inventor Date Name of sixteenth inventor Residence Citizenship Name of sixteenth inventor Citizenship Name of sixteenth inventor Citizenship Name of Sidney, OH Citizenship Name of Sidney, OH Citizenship Name of Sixteenth inventor Citizenship Name of Sixteenth in	_	
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- § 1.56 Duty to disclose information material to patentability.
- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
 - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.